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No. 543

IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

IN THE MATTER OF BLACK RANCHES, INC., A Nebraska Corporation, Debtor, in Corporate Reorganization Proceedings under Chapter X of the Federal Bankruptcy Act.

ROE R. BLACK, AVIS C. BLACK, ROE C. BLACK, BLACK RANCHES, INC., a corporation, Debtor, and THOMAS HART FISHER,

Petitioners,

vs.

PAUL STRAND, OTTO LAMPRECHT AND HOWARD THOMPSON,

Respondents.

MOTION FOR ISSUANCE OF PEREMPTORY WRIT OF CERTIORARI AND PEREMPTORY JUDGMENT OF REVERSAL WITHOUT ORAL ARGUMENT.

LESLIE R. BISHOP
38 South Dearborn Street
Chicago, Illinois 60603
Attorney for Petitioners

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MOTION FOR ISSUANCE OF PEREMPTORY WRIT OF CERTIORARI AND PEREMPTORY JUDGMENT OF REVERSAL WITHOUT ORAL ARGUMENT.

Now come Petitioners, Roe R. Black, Avis C. Black, Roe C. Black, Black Ranches, Inc., a corporation, Debtor, and Thomas Hart Fisher, and respectfully move this Court to issue its peremptory writ of certiorari and peremptory

judgment of reversal without oral argument, and to remand the case to the District Court of the United States for the District of Nebraska for further proceedings in that Court.

And in support of such motion, Petitioners respectfully show unto this Honorable Court:

1. The primary ground upon which the Petition for Writ of Certiorari has been sought in this case is that the trial judge admitted in his own opinion and decision, which he rendered on December 4, 1964, that he allowed a secured lien claim in the amount of $96,107.73 on Debtor's land in Brown and Blaine Counties, Nebraska, in the Federal Bankruptcy Court *solely upon the basis of what the trial judge himself described as "temporary access to partial abstracts of title* to the several parcels of Debtor's real estate," which the trial judge had obtained OUTSIDE OF THE COURTROOM and LONG AFTER THE TRIAL ITSELF WAS OVER (R. 133-4).

Although this question was fully argued in the Court of Appeals, it was not even mentioned in the Court of Appeals' opinion.

2. Respondents, Paul Strand, Otto Lamprecht and Howard Thompson, have deliberately failed and refused to file any brief in opposition to our Petition for Writ of Certiorari in this case, THEREBY ADMITTING THE TRUTH OF THE FACTS STATED ABOVE, *i.e.*, that the District Judge allowed in the Bankruptcy Court a secured lien against Debtor's land in the amount of $95,107.73 *without any evidence whatsoever in the record to support it and based solely upon "partial abstracts of title" to Debtor's land obtained by the trial judge outside of his courtroom and long after the trial was over.*

3. In the face of the foregoing admission, Petitioners respectfully submit that *no oral argument is required* to demonstrate that the judgment of the trial judge in the Bankruptcy Court in question was and is A VOID JUDGMENT and should be peremptorily reversed without the necessity of any oral argument, thus disposing of this case in this Court without any burden to the Court, in the light of the plain and undeniable violation of Federal law pointed out in our petition and repeated in the motion above.

MOTION FOR THE ISSUANCE OF PEREMPTORY WRIT OF CERTIORARI AND PEREMPTORY JUDGMENT OF REVERSAL WITHOUT ORAL ARGUMENT.

Wherefore, Petitioners respectfully move the Court to issue its peremptory writ of certiorari to review and reverse the judgment of the United States Court of Appeals for the Eighth Circuit in the case there entitled "*In the Matter of Black Ranches, a Nebraska Corporation, Debtor, Roe R. Black, et al., Appellants, vs. Paul Strand, et al., Appellees,* No. 17990, reported in 362 Fed. (2d) 8, by its peremptory judgment of reversal without oral argument, and to remand this case to the District Court of Nebraska for further proceedings in that court.

Respectfully submitted,

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